



January 17, 2007

Ms. Ashby Tanner
Law Section
The Gaithersburg Gazette
P.O. Box 6006
Gaithersburg, MD 20884

Dear Ashby:

Please publish the following legal advertisement in your January 24, 2007 issue of the *Gaithersburg Gazette*.

Caroline Seiden
Planner

ASSIGN CODE: PHA-527/Acc.#133649

NOTICE OF PUBLIC HEARING

The Board of Appeals of the City of Gaithersburg will hold a public hearing on Special Exception A-527, filed by James R. Michal, Esq., Jackson & Campbell, P.C. on behalf of Nextel Communications of the Mid-Atlantic, Inc. by General Dynamics Network Systems, Inc. and T-Mobile Northeast LLC on

THURSDAY
FEBRUARY 8, 2007
AT 7:30 P.M.

or as soon thereafter as it may be heard in the Council Chambers at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland. The application requests a Special Exception to erect a **Telecommunications facility**, a 100 foot monopole and related antennas and ground equipment located at 707 Conservation Lane, Parcel N105 Gaithersburg, Maryland. Access to the site is via an existing access road on the property. The property is located in the R-A (Low Density Residential) Zone. The special exception is allowed by Section 24-25(11) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code) in compliance with Section 24-167A(D).

Further information may be obtained from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Caroline Seiden
Planner

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitthersburgmd.gov • www.gaitthersburgmd.gov

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-THE CITY OF GAITHERSBURG -

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MESSAGE:

Ashby:
Please see attached legal ad for
the Jan. 24, 2007 Gaithersburg Gazette.
Thanks!

IF YOU EXPERIENCE DIFFICULTY IN RECEIVING THIS TRANSMISSION,
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COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Board of Appeals

FROM: Planning Commission

VIA: Caroline Seiden, Planner

DATE: January 18, 2007

SUBJECT: A-527 – James Michal for Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc. & T-Mobile Northeast

The application requests a Special Exception to erect a Telecommunications facility, a 100 foot monopole and related antennas and ground equipment located at 707 Conservation Lane, Parcel N105 Gaithersburg, Maryland. Access to the site is via an existing access road on the property. The property is located in the R-A (Low Density Residential) Zone. The special exception is allowed by Section 24-25(11) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code) in compliance with Section 24-167A(D).

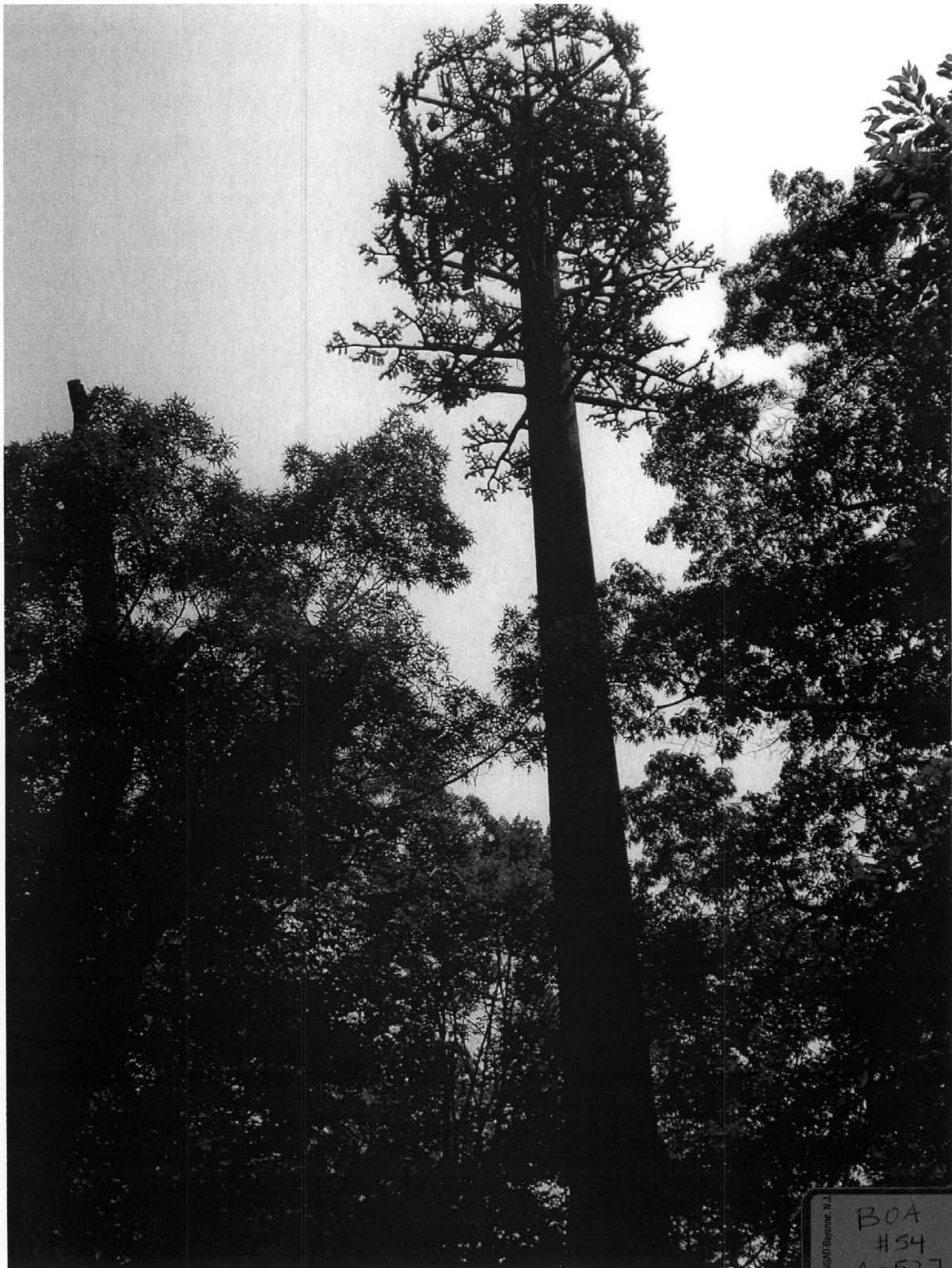
At its regular meeting on January 17, 2007, the Planning Commission made the following motion:

Commissioner Winborne moved, seconded by Commissioner Kaufman, to recommend Special Exception Case A-527 for APPROVAL to the Board of Appeals with nine conditions:

1. Prior to the issuance of a building or site work permit, petitioners are to provide an executed lease from the property owner that requires at such time as either Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc. or T-Mobile Northeast LLC cease to operate, that the antennas, cabinets and associated equipment must be removed;

2. At such time as either Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc. or T-Mobile Northeast LLC ceases to operate, its antennas, cabinets and associated equipment shall be removed;
3. At such time as Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc. and T-Mobile Northeast LLC cease to operate, the monopole and any remaining equipment shall be removed;
4. Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc. is to submit an actual coverage threshold map to the Board of Appeals sixty (60) days after the equipment becomes operational. The map will be the same type as provided in Exhibits # 37 and #38;
5. T-Mobile Northeast LLC is to submit an actual coverage threshold map to the Board of Appeals sixty (60) days after the equipment becomes operational. The map will be the same type as provided in Exhibits # 39 and #40;
6. Applicant to revise fence detail to remove barbed wire and indicate fence material as black vinyl chain link fence up to 8 feet in height;
7. Installation of antennas and associated equipment must be completed by February 8, 2008;
8. If the installation is not complete by February 8, 2008, the petitioner must request a time extension, in writing, prior to February 8, 2008 and each subsequent year thereafter until such time as the installation is complete.
9. Applicant is to prepare a plan to camouflage the color of the monopole to blend with the trees

Vote: 4-1 (Levy)



PENGAD-Bayonne, N.J.

B0A
#54
A-527





THE TREE*
Alternative Antenna Support Structure
*Patent Pending

ARCNET
670 North Beers Street - Bldg. 2
Holmdel, NJ 07733
908-739-3200



CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland
(301) 258-6330

**BOARD OF APPEALS
RESOLUTION APPROVING**

AN APPLICATION REQUESTING A SPECIAL EXCEPTION TO ERECT A 100-FOOT TELECOMMUNICATIONS MONOPOLE AND RELATED ANTENNAS AND GROUND EQUIPMENT LOCATED AT 707 CONSERVATION LANE, PARCEL N105 GAITHERSBURG, MARYLAND. ACCESS TO THE SITE IS VIA AN EXISTING ACCESS ROAD ON THE PROPERTY. THE PROPERTY IS LOCATED IN THE R-A (LOW DENSITY RESIDENTIAL) ZONE. THE SPECIAL EXCEPTION IS ALLOWED BY SECTION 24-25 (11) OF THE CITY OF GAITHERSBURG ZONING ORDINANCE (CHAPTER 24 OF THE CITY OF GAITHERSBURG CODE) IN COMPLIANCE WITH SECTION 24-167A(D).

A-527

OPINION

This matter has come before the Board of Appeals as a special exception petition, by Nextel Communications of the Mid-Atlantic by General Dynamics Network systems, Inc. & T-Mobile Northeast to erect a Telecommunications facility, a 100-foot monopole with twelve (12) antennas at the 97-foot height and six (6) additional antennas at the 90-foot height. The facility will also house ground equipment at 707 Conservation Lane, Parcel N105, Gaithersburg, Maryland. Access to the site is via an existing access road on the property. The property is located in the R-A (Low Density Residential) Zone. The special exception is allowed by §24-25(11) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code) in compliance with §24-167A(D). The Board's authority in these matters is provided pursuant to Article 66B, Section 4.07, of the Annotated Code of the State of Maryland, and §24-187(b) of the Zoning Ordinance (Chapter 24 of the City of Gaithersburg Code) which authorizes the Board to hear and decide only those special exceptions as the Board of Appeals is specifically authorized to pass on by the terms of this Chapter.

Operative Facts

In 1998, the Mayor and City Council of Gaithersburg approved Ordinance O-21-97, which allows telecommunication facilities, subject to requirements, to be permitted by special exception [§24-25(11)] in the R-A Zone. The purpose of a use by special exception is to allow the Board of Appeals to prescribe appropriate conditions and limitations on these uses.

James Michal, Esq. of Jackson and Campbell, P.C., on behalf of Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc. (Nextel) and T-Mobile Northeast, originally filed the application and exhibits on December 19, 2006. The petition requested a special exception for a telecommunications facility consisting of a 100-foot monopole, antennas for two carriers and related ground equipment. The property is owned by Izaak Walton League of America and is located in the R-A (Low-Density Residential) Zone, Gaithersburg, Maryland.

In accordance with §24-188(d), the Planning Commission reviewed the special exception request at their January 17, 2007, regularly scheduled meeting. Following introduction and discussion by City of Gaithersburg Staff, the applicant, and an adjoining property owner, the Planning Commission analyzed the application and made a recommendation to the Board of Appeals that the special exception be approved. The Planning Commission did recommend that the applicant include, as part of its presentation to the Board of Appeals, an explanation of why other rooftop locations in the vicinity were not considered in place of a monopole.

The Board of Appeals held a public hearing on Thursday, February 8, 2007, at 7:30 p.m. at City Hall. Notice of the public hearing was published in the January 24, 2007, issue of the *Gaithersburg Gazette*; the property was properly posted, and notice of the public hearing was sent to the applicants and surrounding property owners on January 4, 2007.

The Board reviewed 55 exhibits, including the Applicant's summary of proof, plans and simulated photographs comparing the existing viewsheds and the viewsheds with the proposed monopole, antenna specifications, the letter of intent for a lease agreement, coverage projection maps, and antenna and installation photographs. Planner Seiden noted that the Planning Commission recommended approval of the petition. She also noted that the Planning Commission had requested that the applicant submit examples of camouflaged monopoles for the Board of Appeals' review. James Michal, Esq., Jackson & Campbell, representing Nextel and T-Mobile presented argument on behalf of the petitioner citing the petitioner's compliance with §24-167A, of the Zoning Ordinance. Testimony was also given by Mike Budde, T-Mobile, in support of the application. Ms. Cathy Saxman, 135 Timberbrook Lane, testified in opposition to the subject request, citing concerns regarding her property values, television and radio reception and view.

Following the testimony and arguments, the Board closed the record.

Relevant Statutory Provisions

The following statutory provisions from the City Zoning Ordinance (Chapter 24 of the City of Gaithersburg Code) are among the provisions, which define the nature and extent, a special exception that may be granted by this Board and the criteria upon which they may be approved.

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DIVISION 1. R-A ZONE, LOW DENSITY RESIDENTIAL

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Sec. 24-25 . Uses permitted as special exceptions.

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(11) Telecommunications facilities, subject to requirements of Section 24-167A(C)(2).

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Section-24-167A. Satellite television antennae and towers, poles, antenna and /or other structures intended for use in connection with transmission or receipt of radio or television signals or telecommunications facilities.

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(D) Telecommunications facilities.

1. Standards when allowed as permitted use:

The following standards apply in those zones in which telecommunications facilities are allowed as a permitted use.

(a) An antenna and a related unmanned equipment building or cabinet may be installed on a rooftop of buildings on privately owned land which are at least 30 feet in height. An antenna may be mounted on the wall of a building facing the rear lot line at a height of at least 30 feet. An antenna may not be mounted on the rear wall of a building on a through lot. A telecommunications facility antenna must not be mounted on the facade of any building designed or used as a one family residential dwelling. An unmanned equipment building or cabinet may be located on the roof of a building provided it and all other roof structures do not occupy more than 25% of the roof area. Unmanned equipment buildings or cabinets that increase the roof coverage of all roof structures to occupy more than 25% of the roof area may be approved by the board of appeals as a special exception in accordance with Sub-section 2 of this Section.

(b) Telecommunications antennae may be attached to a free standing monopole on privately owned land. A free standing monopole including antenna structure for a

telecommunications facility is permitted up to 199 feet in height with a set back of one foot for every foot of height from all adjoining residentially zoned properties, and a set back of one-half foot for every foot of height from adjoining non-residential properties.

- (c) An unmanned equipment building or cabinet included as part of a telecommunications facility on privately owned land must not exceed 560 square feet and 12 feet in height. Any such equipment building or cabinet must be so located as to conform to the applicable set back standards of the zone in which the property is classified.
- (d) Public Property.
 - (i) A private telecommunications facility may be located on public property or attached to an existing structure owned or operated by the City of Gaithersburg and shall be a permitted use in all zones. The use of any property owned or operated by the City shall be at the discretion of the City Council and shall not be subject to the same conditions and requirements as are applicable to such facilities on privately owned property. The City Council may but is not required to hold a public hearing prior to its decision to allow the use of property owned or under the control of the City.
 - (ii) A private telecommunications facility may be located on public property or attached to an existing structure owned or operated by a county, state, federal or other non-City governmental agency or on the property of an independent fire department or rescue squad subject to the same conditions and requirements as are applicable to such facilities on privately owned property.
- (e) All such antennae shall be located and designed so as to minimize visual impact on surrounding properties and from public streets.
- (f) No signs are permitted in connection with any telecommunications facility.
- (g) No lights are permitted on any monopole or antenna unless required by the Federal Communications Commission, the Federal Aviation Administration, or the City.
- (h) All monopoles erected as part of a telecommunications facility must maintain at least three telecommunications carriers provided, however, that a monopole or other support structure designed or engineered to accommodate less than three telecommunications carriers may be permitted by special exception when approved by the Board of Appeals.

- (i) No more than one monopole is permitted on a lot or parcel of land and, no two monopoles may be located within 1000 feet of each other in any zone in which such facilities are permitted uses. In any such zones more than one monopole may be permitted on a lot or parcel and two or more monopoles may be located within 1,000 feet of each other by special exception approved by the Board of Appeals. A special exception to permit either the location of more than one monopole on a lot or parcel or two or more monopoles within 1,000 feet of each other may only be approved by the Board of Appeals if the applicant establishes that existing telecommunications facilities serving the same service area have no additional capacity to include the applicant's antenna or that co-location on an existing monopole is technically impractical and that engineering criteria establish the need for the requested facility. In addition, any such application must comply with all of the other standards and requirements applicable to special exceptions for telecommunications facilities.
- (j) Every free standing monopole or support structure and any unmanned equipment or cabinet associated with a telecommunications facility must be removed at the cost of owner of the facility when the telecommunications facility is no longer in use by any telecommunication carrier.

2. Standards and requirements applicable to special exceptions for telecommunications facilities.

- (a) An application for a special exception for a telecommunication facility may be approved by the board of appeals if the board finds that:
 - (1) Complies with all of the standards contained in Section 167A(D)1.
 - (2) The location selected is necessary for the public convenience and service.
 - (3) The location selected is not in an area in which there is an over concentration of freestanding monopoles, towers or similar structures.
 - (4) The location selected for a monopole is more than 300 feet from either the nearest boundary of a historic district or more than 300 feet from the nearest boundary of the environmental setting of a historic resource that is not within a historic district.
 - (5) The location selected for a monopole is suitable for the co-location of at least three (3) telecommunication antennae and related unmanned cabinets or equipment buildings and the facility is designed to accommodate at least three (3) antennae. The holder of a special exception may not refuse to permit the co-location of two additional antennae and related equipment buildings or cabinets unless collocation is technically impractical because of engineering

and because it will interfere with existing service. The refusal to allow such co-location without just cause may result in revocation of the special exception.

- (6) In the event a telecommunications facility is proposed to be located on a rooftop or structure, the board of appeals must find that the building is at least 30 feet in height in any multi-family residential zone or non-residential zone; and 50 feet in height in any one family residential zone. Rooftop telecommunications facilities may not be located on a one family residence.
- (7) In the event a telecommunications antenna is proposed to be located on the facade of a building, the Board of Appeals must find that it is to be located at a height at least 30 feet on a building located in a multi-family residential zone or non-residential zone and at a height greater than fifty (50) feet in any one family residential zone. A telecommunications antenna must not be mounted on the facade of a one family residence.
- (8) In any residential zone the board of appeals must find that the equipment building or cabinet does not exceed 560 square feet and 12 feet in height, and is faced with brick or other suitable material on all sides and that the facades are compatible with the other building or buildings located on the lot or parcel. Equipment buildings and cabinets must be landscaped to provide a screen of at least three feet. The Board may require that monopoles: 1) be camouflaged; 2) be placed within a part of an existing structure; or 3) be constructed in such a way that the monopole appears to be part of an existing structure.
- (9) The board must further find that any equipment building or cabinet is located in conformity to the applicable set back standards of the zone.
- (10) The board must find that the addition of an equipment building or cabinet proposed to be located on the roof of a building, in combination with all other roof structures does not create the appearance of an additional story and does not increase the roof coverage by more than an additional 10 percent. The board must also find that the structure is not visually intrusive.
- (11) The board must also find that a free standing monopole or other support structure is proposed to hold no less than three telecommunications carriers. The board may approve a monopole or other support structure with fewer than three telecommunications carriers if the applicant establishes that (a) existing telecommunications facilities serving the same service area have no additional capacity to include the applicant's antenna or (b) the applicant

establishes that co-location on an existing monopole is technically impractical and that engineering criteria establish the need for the requested facility; and the approval of the application will not result in an over concentration of similar facilities in the surrounding area.

(b) Area requirements.

- (1) The minimum parcel or lot area is sufficient to accommodate the location requirements for the monopole or other support structure as hereinafter set forth in subsection (C).
- (2) In no event may the minimum parcel or lot area be less than the lot area required for the zone in which the monopole or support structure is located.
- (3) For the purpose of this section, the location requirement is measured from the base of the monopole or other support structure to the perimeter property line.
- (4) The board of appeals may, upon request of the applicant, reduce the location requirement to not less than the building set back for the applicable zone, provided the board makes the additional finding that the reduced location requirement results in a less visually obtrusive location for the monopole or other support structure. In making that additional finding, the board shall consider the height of the structure, topography, existing vegetation, planned landscaping, the impact on adjoining and nearby residential properties, if any, and the visibility of the monopole or other support structure from adjacent streets.

(c) Location Requirements for structure. A monopole or other support structure must be located as follows:

- (1) In residential zones, a distance of one foot from the property line for every foot of height of the monopole or other support structure.
- (2) In non-residential zones, monopoles and other support structures must be located at a distance of one-half foot from the property line of adjacent non-residentially zoned property for every foot of height of the monopole or other support structure. Such structures must be located a distance of one foot from the property line of adjacent residentially zoned property for every foot of height of such structure.

(d) Signage. No signs are permitted in connection with the establishment of a telecommunications facility.

- (e) Lights. No lights or other illumination devices are permitted on a monopole or other support structure unless required by the Federal Communications Commission, the Federal Aviation Administration or the board.
- (f) Removal of Telecommunications facilities. Every free standing monopole or support structure and any unmanned equipment building or cabinet associated with a telecommunications facility must be removed at the cost of owner of the facility when the telecommunications facility is no longer in use by the telecommunication carrier.

* * *

ARTICLE VII. Board of Appeals.

* * *

Sec. 24-187. Powers and duties.

The board of appeals shall have the following functions, powers, and duties:

* * *

(b) Special Exception. To hear and decide only those special exceptions as the board of appeals is specifically authorized to pass on by the terms of this chapter.

The board of appeals is empowered to prescribe appropriate conditions and limitations upon the approval of special exceptions. Special exceptions approved by the board shall be implemented in accordance with the terms and/or conditions set forth in the Board's decision and shall include the requirement that the petitioner shall be bound by all of the petitioner's testimony and exhibits of record, the testimony of the petitioner's witnesses and representations of the petitioner's attorneys, to the extent that such evidence and representations are identified in the board's opinion approving the special exception. Violation of such conditions and limitations shall be deemed a violation of this chapter and, further, shall constitute grounds for revocation of such special exception.

* * *

Sec. 24-189. Findings required.

* * *

(b) Special exceptions. A special exception may be granted when the board of appeals finds from the evidence of record that the proposed use:

(1) Is a permissible special exception within the zone and that the application therefor complies with all procedural requirements set forth in this article chapter and the development standards for the zone within which the intended use will be located;

(2) Complies with all standards and requirements specifically set forth for such use as may be contained in this chapter;

(3) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, toxicity, glare or physical activity;

(4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structure or conversion of existing structures; as well as the intensity and character of activity, traffic and parking conditions and number of similar uses;

(5) Will be consistent with the master plan or other planning guides or capital programs for the physical development of the district;

(6) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area;

(7) Will be served by adequate public services and facilities, including police and fire protection, water and sanitary sewer, storm drainage, public roads and other public improvements; and

(8) When located in a residential zone where buildings or structures are to be constructed, reconstructed or altered shall, whenever practicable, have the exterior appearance of residential buildings and shall have suitable landscaping, screening or fencing.

Findings and Conclusions

Based on the appellants' arguments, binding testimony and evidence of record, the Board finds that the application proposes to construct, operate and maintain a 100-foot monopole with twelve (12) panel-type antennas measuring approximately 58 inches high by seven- (7) inches wide by four (4) inches in depth at the 97-foot elevation of the monopole and an additional six (6) panel antennas measuring approximately 53 inches high by thirteen (13) inches wide by four (4) inches in depth at the 90-foot elevation. The petition also includes a Nextel equipment shelter measuring 12' x 20' located within a fenced 34' x 30' compound and three (3) T—Mobile equipment cabinets, each

measuring 70" x 51" on a fenced 10' x 20' concrete platform. The location of the monopole and antennas is within the R-A (Low-Density Residential) Zone and is allowed by special exception as stated in §24-25(11) of the Zoning Ordinance (Chapter 24 of the City Code).

The applicant has shown that the height of the monopole is 100 feet in height. The unmanned equipment cabinets for the antennas are located on the ground, north of the monopole in two adjacent compounds, all of which is surrounded by an eight- (8) foot high black vinyl chain link fence. The compound is located off an existing gravel access road in a forested area and does not require additional screening. The propagation maps have shown that the location selected will enhance the coverage of Nextel and T-Mobile telecommunication service for public convenience and service and fill a void within the systems of the providers.

The Board finds that the petitioner has proved that the petition is permissible by §24-25(11), of the Zoning Ordinance and that it also complies with the procedural requirements set forth in Article VII of the Zoning Ordinance provided for the review of special exceptions by the Board of Appeals. The proposed use is consistent with the 2003 Land Use Master Plan. The applicant has shown compliance with the standards and requirements specifically set forth for telecommunication facilities in §24-167A(D)(1) and (2) as discussed above.

The testimony of the petitioner's representatives has shown that such use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood, and will cause no objectionable vibrations, fumes, odors, dust, toxicity, glare or physical activity. The applicant has shown that this use will also not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area.

The petitioner has indicated that there is sufficient space for the co-location of a third telecommunication facility in compliance with §24-167A(D)(2)(a)(5), which would be the subject of a separate special exception application in order to locate additional facilities. The petitioner has shown that this petition, with the added conditions, is in harmony with the general character of the neighborhood in relation to the design and scale of the monopole. Because the use will only require monthly maintenance checks consisting of one vehicle, this use will not impact the traffic or parking conditions within the neighborhood. The land and structure will not increase the need for more services. The applicant has shown that this use is not located near or within any of the City's historic districts. In conclusion, the Board of Appeals has found that the petitioner has submitted sufficient evidence, arguments and testimony for the approval of a telecommunications facility with conditions as stated below. The petition has shown compliance with §24-167A(D)(1) and (2) and §24-189(b).

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the Board of Appeals of the City of Gaithersburg on the 8th day of February, 2007, that Case A-527, the petition of James Michal, Esq.

for Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc. & T-Mobile Northeast, LLC, requesting a special exception for a telecommunications facility in the R-A (Low Density Residential) Zone at 707 Conservation Lane, Parcel N105, Gaithersburg, Maryland, be APPROVED with the following nine conditions:

1. Prior to the issuance of a building or site work permit, petitioners are to provide an executed lease from the property owner that requires at such time as either Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc., T-Mobile Northeast LLC or their successors cease to operate, that the antennas, cabinets and associated equipment must be removed;
2. At such time as either Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc., T-Mobile Northeast LLC, or their successors ceases to operate, its antennas, cabinets and associated equipment shall be removed;
3. At such time as Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc., T-Mobile Northeast LLC or its successors cease to operate, the monopole and any remaining equipment shall be removed;
4. Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc. is to submit an actual coverage threshold map to the Board of Appeals sixty (60) days after the equipment becomes operational. The map will be the same type as provided in Exhibits # 37 and #38;
5. T-Mobile Northeast LLC is to submit an actual coverage threshold map to the Board of Appeals sixty (60) days after the equipment becomes operational. The map will be the same type as provided in Exhibits # 39 and #40;
6. Applicant to revise fence detail to remove barbed wire and indicate fence material as black vinyl chain link fence up to 8 feet in height;
7. Installation of antennas and associated equipment must be completed by February 8, 2008;
8. If the installation is not complete by February 8, 2008, the petitioner must request a time extension, in writing, prior to February 8, 2008 and each subsequent year thereafter until such time as the installation is complete;
9. Applicant is to submit a final plan to staff indicating how the monopole will be camouflaged to blend with the trees.

Adopted unanimously by the Board of Appeals of the City of Gaithersburg on the 8th day of February, 2007. Board Members Kaye, Knoebel, Macdonald, Trojak and Rieg being present and voting in favor of the action.

Harvey Kaye, Chairperson
Board of Appeals

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City of Gaithersburg Board of Appeals, in a public meeting assembled, on the 8th day of February, 2007

Caroline Seiden, Planner
Staff Liaison to the Board of Appeals

Any decision by the City Board of Appeals may, within thirty (30) days after the decision is rendered be appealed by any person aggrieved by the decision of the Board and a part to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.

The Board of Appeals may reconsider its decision in accordance with its Rules of Procedure upon the request of any party; provided such request is received by writing not more than ten (10) days from the date the Board of Appeals renders its final decision.